

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

RUTH SMITH, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

SUNPATH, LTD., a Massachusetts corporation,

Defendant.

Case No. 1:22-cv-00081-LMB-WEF

STATEMENT OF UNCONTESTED FACTS

The following facts are agreed to and admitted by both Plaintiff Ruth Smith (“Plaintiff” or “Smith”) and Defendant SunPath, Ltd. (“Defendant” or “SunPath”).

1. Plaintiff Smith is a natural person and a citizen of Virginia and a resident of Fairfax County.
2. Defendant SunPath is a Delaware corporation with its principal place of business located in Massachusetts.
3. Defendant SunPath administers vehicle service contracts.
4. On June 29, 2017, SunPath entered into a “Call Center Marketing Agreement” with Chukran Management Group, LLC d/b/a American Protection (“American Protection”).
5. At all times American Protection was authorized to sell SunPath-related products, American Protection was permitted to market and sell the products of other companies alongside SunPath’s, including those of SunPath’s competitors.
6. SunPath’s relationship with American Protection has been inactive since early-2022, for business reasons unrelated to the Plaintiff’s claims in this case and unrelated to American

Protection's marketing conduct or practices.

7. SunPath does not have knowledge of any instance in which American Protection was found liable for any violations the Telephone Consumer Protection Act, Virginia Telephone Privacy Protection Act, or any other laws governing telemarketing.

8. On November 8, 2019, Plaintiff registered her telephone number ending in 9650 on the National Do Not Call Registry.

9. SunPath does not possess any record of prior express invitation, permission, or consent for it to directly place telemarketing calls to Plaintiff Smith, and made no telemarketing calls to Plaintiff Smith.

10. SunPath does not initiate any outgoing sales calls to consumers.

11. SunPath did not initiate any calls to Plaintiff Smith, including any of the calls that form the basis of her claims in this case.

12. Plaintiff never purchased a SunPath-related product.

Dated: December 14, 2022

RUTH SMITH, individually and on behalf of all
others similarly situated,

By: /s/ Francis J. Driscoll, Jr.
One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via the Court's ECF system on December 15, 2022.

/s/ Francis J. Driscoll, Jr.